

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DUANE CARTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:15cv355-MHT
	)	(WO)
J. KENT, et al.,	)	
	)	
Defendants.	)	

OPINION AND ORDER

This case proceeded before the court on a 42 U.S.C. § 1983 complaint filed by a then-state inmate. On February 23, 2018, the magistrate judge entered a recommendation that summary judgment be entered in favor of defendants. On March 7, 2018, plaintiff filed a notice advising the court of his release from prison and a current 'free world' address. Because of his release from prison, the 'mail box' rule (which deems pro se inmate's documents 'filed' on the date they are delivered to prison officials for mailing, see *Houston v. Lack*, 487 U.S. 266, 271-72 (1988)) was not applicable to any documents filed by plaintiff after the date of his release.

After two extensions, plaintiff's objections to the recommendation were due by March 30, 2018. Because no timely objections were filed by that date, the court entered an

opinion and judgment on April 2, 2018, adopting the magistrate judge's February 23 recommendation and entering summary judgment in favor of defendants. Later, on April 2, plaintiff filed his objections to the recommendation.

Based on the foregoing, it is ORDERED as follows:

(1) Plaintiff's objections are overruled as untimely filed. They were due on March 30, 2018, but not filed until April 2, 2018.

(2) Even if it is assumed *arguendo* that they were timely filed, the objections are overruled for lack of merit.

(3) The opinion and judgment entered on April 2, 2018 (doc. nos. 53 and 54), remain in full force and effect.

DONE this 9th day April, 2018.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE